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In re Application of  
Edward J. Tromczynski et al  
Application No. 09/963,911  
Filed: September 26, 2001  
Attorney Docket No. 6882-5

OFFICE OF PETITIONS  
ON PETITION

This is a decision on the petition under 37 CFR 1.78(a)(6), filed November 20, 2002, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of a prior-filed nonprovisional Application No. 60/275,858, filed March 14, 2001.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the surcharge set forth in § 1.17(t); and
- (2) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(I) and the date the claim was filed was unintentional; and
- (3) the reference to the prior filed provisional application supplied in an application data sheet (ADS) (37 CFR 1.76) or as an amendment in the first sentence of the specification following the title. See 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5)(iii). The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition lacks item (3).

A response to this decision (an amendment or ADS to include the provisional application) should be filed within **ONE MONTH** from the mail date of this letter.

**In order to expedite consideration of this petition, petitioner may wish to consider submitting the items required by this decision on petition in a renewed petition under 37 CFR 1.78(a)(6) by facsimile transmission to the telephone number indicated below and to the attention of Karen Creasy.**

By mail: U.S. Patent and Trademark Office  
P.O. Box 2327  
Mailstop DAC  
Arlington, VA 22202

OR

Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23  
2201 South Clark Place  
Arlington, VA 22202

Any questions concerning this matter may be directed to Karen Creasy at (703) 305-8859.



Frances Hicks  
Lead Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy